IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 10049 of 2005

Between:

M/s. Niagara Auto Syndicate, Rep. By its Proprietor,
Musstaba Baig, S/o. Hussain Baig, Aged about 45 Years. Dr.No. 9-1-888/1, Back Side Devi Bagh, Bahadurpura, Hyderabad, At Residence D.No. 76/14/226/1, Grambay Road, Bhavanipuram, VIJAYAWADA.

..... PETITIONER

AND

1 The Chief Controller of Stores, APSRTC, Musheerabad Circle, Hyderabad.
2 The Controller of Stores, APSRTC, Karimnagar Hyderabad.
3 The Assistant Commissioner of CT (LTU)(INT), Secunderabad division, O/o. the Deputy Commissioner (CT), Secunderabad Division, Behind

Charmas Abids, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents namely the Controllers of Stores, APSRTC, Karimnagar seeking to levy and collection of tax 12.5% on the sale of secondhand vehicles being sold to the Petitioner in terms of Auction-Cum-Tender vide No.502 dated 24-2-2005 as illegal, arbitrary and without authority of law and contrary to the judgment of this Hon'ble Court in 30 APSTJ Pg.217 violating Article 227 of the Constitution of India and grant such other relief or reliefs as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.V.J.K.KUMAR

Counsel for the Respondents 1 & 2 : MR.R.M.REDDY

Counsel for Respondent No.3:G.P.FOR COMMERCIAL TAXES

The Court made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Permission is granted. The writ petition is accordingly dismissed as withdrawn. No order as to costs.

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(Bilal Nazki, ACJ)

5th July, 2005

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(G.Chandraiah,J)

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To

1 The Chief Controller of Stores, APSRTC, Musheerabad Circle, Hyderabad.
2 The Controller of Stores, APSRTC, Karimnagar, Hyderabad.
3 The Assistant Commissioner of CT (LTU)(INT), Secunderabad Division, O/o. the Deputy Commissioner (CT), Secunderabad Division, Behind

Charmas Abids, Hyderabad.

4 Two C.Cs to the Government Pleader for Taxes, High Court Buildings, A.P.,

Hyderabad (OUT)

5 Two C.D copies.